

RECEIVED

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY A 932

United States District Court	District:	DEBRA P. HACKETT CLERK U.S. DISTRICT COURT MIDDLE DISTRICT ALA
Name (under which you were convicted): <i>Bragg Money, Go. by. C.B. Money</i>	Docket or Case No.: <i>1:08cv228 - WKW</i>	
Place of Confinement: <i>Bullock Correction</i> <i>P.O. Box 5107 Union Springs, AL 36089</i>	Prisoner No.: <i>AIS:184159</i>	
Petitioner (include the name under which you were convicted) <i>Bragg Money, Go. by. C.B. Money</i>	Respondent (authorized person having custody of petitioner) <i>v. Henry County Alabama</i>	
<i>The State of Alabama</i>		
The Attorney General of the State of <i>Alabama</i>		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: *Henry County, AL*

(b) Criminal docket or case number (if you know): *N94-
129000065, and 66. in 67, and 68. and 69, and 70*

2. (a) Date of the judgment of conviction (if you know): *The year 1994*
 (b) Date of sentencing: *1994*
3. Length of sentence: *416 Years*
4. In this case, were you convicted on more than one count or of more than one crime? Yes No
5. Identify all crimes of which you were convicted and sentenced in this case: *4 rape and 2 # sexual Abuse*

6. (a) What was your plea? (Check one)

(1) Not guilty (3) Nolo contendere (no contest)
 (2) Guilty (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? *case was tried by a jury when the judge said recess when the court reporter leave the district attorney said he wanted this man found guilty the jury was dead lock three different times. At 11:30 P.M. Friday night the judge told the jury I am putting all of you in jail for the weekend. Fine this man guilty you can all go home.*

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing? *The court would never give me a pretrial hearing*
 Yes No

8. Did you appeal from the judgment of conviction? *My lawyer didn't let me no nothing and never contact me back*
 Yes No

9. If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result: *Lawer never contact me back I can not get a hold of my law*

(d) Date of result (if you know): *Nobody never contact me*

(e) Citation to the case (if you know): *I do not understand this question*

(f) Grounds raised: *I don't know*

(g) Did you seek further review by a higher state court? Yes No

If yes, answer the following:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

(4) Date of result (if you know): *never been contact*

- (5) Citation to the case (if you know): charged with 4# rape, 2# counts of sexual abuse;
- (6) Grounds raised: don't know abuse;

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes No

If yes, answer the following:

- (1) Docket or case number (if you know):
 (2) Result:

- (3) Date of result (if you know):

- (4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? Yes No

11. If your answer to Question 10 was "Yes," give the following information: appeal,

- (a) (1) Name of court: Alabama criminal appeal,

- (2) Docket or case number (if you know):

- (3) Date of filing (if you know):

(4) Nature of the proceeding: Judge made a threat to the jury at 11:30 P.M.

(5) Grounds raised: My lawyer would not fight for me. My lawyer took \$2,000.00 dollars from me a court opointed lawyer. I can not fight for, for what the court pay me. The judge will make the court reporter leave when the court reported leave the district attorney and the judge make threats to the jury. The judg will let the investigation question me, and the woman investigator she was on the jury. The judge will also let people set in the odyanice and listen to the trial then let them come up and testafy in the court and they were.

- (6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

- (7) Result: They would not give me one,

- (8) Date of result (if you know):

The judge denied if I understand this question right

Nobody will give me transcripts of my trial. I need them bad.

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: *Henry County Alabama*

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding: *4 counts of rape and to sodomy I got 416 years*

(5) Grounds raised:

I had left every thing up to my lawer but he never contact me back. And he wouldn't fight for me in the court room. He would let the judge and the district attorney and the investigator talk to the jury make threats without the court reporter being present. My lawer did give the \$2,000,00 dollar back I have not heard nothing from my appeal.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No *when I was arrested I never went back in front of the court.*

(7) Result:

(8) Date of result (if you know):

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

I am 86 years old my health is real bad will the court help me and give me a lawer I am not guilty of these charges.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes

No *I never seen a arrest warrant,*

(7) Result: *I did not see the judge until trial,*

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion? *My lawyer was suppose to do all of this,*

(1) First petition: Yes No

(2) Second petition: Yes No

(3) Third petition: Yes No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

I am eighty six years old. My lawyer told me he would handle all the appeals, Do not call me or write I will let you know, I never heard back,

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: *not guilty, I never seen a arrest warrant, I never had a 24 hour hearing or 72 hour hearing.*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

I stayed in jail four days before I was arrested. I was taken out of jail to the sheriff department. And then they question me for 3 days in a row. They never took me in front of the judge for charges to be read against me.

I never got a warrant from this day, never seen a warrant charges never had been read to me from nobody.

(b) If you did not exhaust your state remedies on Ground One, explain why:

My lawyer was suppose to handle everything, He told me that he would handle everything, and he told me not to call him he would call me.

(c) **Direct Appeal of Ground One:** *I don't know what my lawyer did.*

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No

(2) If you did not raise this issue in your direct appeal, explain why: *My lawyer did not send me no type of paper work I can not get a warrant or a transcript.*

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? Yes No

(4) Did you appeal from the denial of your motion or petition? Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

when the judge threaten the jury Friday night at 11:30 P.M. They had me at the back gate of Kilby that Monday morning. They took me up their in my street cloths. My lawyer told me that he would be appealing my case I have not hear from my attorney. A lot of people on the jury have wrote me letters because the judge threaten them.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: *I never did nothing everything was left up to my lawyer.*

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): *The police lady come to my house, The police lady had question me several times. Eighteen months later we went to trial. The police lady the one that had been questioning me she was forman of the jury. She listen to the trial and set in on the trial. She told the judge Lofton Little that she was investigagating this case, The judge order the lady to be the informan of the trial, The lady had wrote me a noterise letter and sent to me. Judge Lofton Little threaten the jury*

(b) If you did not exhaust your state remedies on Ground Two, explain why:

I left every thing up to my lawyer, I ask the court on this case for a federal judge to point me a lawyer, I do not have no money I am a war veterren I have a lot of flash back from the holering, blood, guts. I foul it an searve my country as a pound American.

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

My lawyer never sent me any paperwork or the court, I do not know what to do. Will the court please give me a lawyer

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No *I do not know what my lawyer did,*

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available): *I have been trying to find out. Of the outcome all I get is a time sheet. I need the courts help to give me a lower somebody that will contact me,*

- (3) Did you receive a hearing on your motion or petition? Yes No
- (4) Did you appeal from the denial of your motion or petition? Yes No
- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No
- (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

I do not know my lawyer has never contact me about nothing

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e)

Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :

Please Court I do not understand these questions or laws. My wife just past away. I have to many flash backs on the war. My memory goes and come. Please help me with a attorney.

GROUND THREE:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): *The lady sent me a notirized letter by another republic she sign it and the republic sign it. The judge said that he was going to lock Mr. Money up on the second day of trial. The judge did lock me up on the second day of trial for no reson. The lady said the jury found me not guilty. The lady had to right down every thing on a blank sheet of paper. The ojudge said it must be a guilty verdict or we will not go home. I have had a lot of people on the jury write me letters saying the judge made them change their testimony.*

(b) If you did not exhaust your state remedies on Ground Three, explain why? *This was left up to my attorney.*

(c) Direct Appeal of Ground Three:

- (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
I do not know what my attorney did. I never seen no papers.
- (2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? *I never did no type of filings.*
 Yes No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (3) Did you receive a hearing on your motion or petition? Yes No

- (4) Did you appeal from the denial of your motion or petition? Yes No

- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

- (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): *People on the jury was writing me telling me they found me not guilty. The judge was angry and mad when he came and talk to us. I never wrote anybody on the jury or talk to any of them. That was my lawyer responsibility. The judge did come and talk to me in the lock up room. He just ask questions about my property.*

- (b) If you did not exhaust your state remedies on Ground Four, explain why:

- (c) **Direct Appeal of Ground Four:**

- (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
 (2) If you did not raise this issue in your direct appeal, explain why:

- (d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?
 Yes No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? Yes No

(4) Did you appeal from the denial of your motion or petition? Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes No *at my nolegde*

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: *Everything was left up to my attorney,*

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, ground or grounds have not been presented, and state your reasons for not presenting them: *I do not know how far my lawyer went with this.*

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the raised. *I do not know it has been sience 1984, I did not here anything. My lawyer was a court opointed lawyer. My lawyer told me to pay him \$2000 dollars. The state did not pay him enough mon to fight the case he told me that the cases would be tried seperate. My family talked to the attorney mail the \$2000 dollar check back to my home. I never heard nothing back from my attorney. Attorney he did tell me he would be doing all of my appeal but don't call me are ~~are~~ give write me I would let you know (I have never heard nothing*

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging: *I can not remember the attorney name*
- (a) At preliminary hearing: *The judge never gave me a 24 hour hearing or 72 hour hearing.*
- (b) At arraignment and plea: *I never had no arraignment.*
- (c) At trial: *Jury trial.*
- (d) At sentencing: *316 years*
- (e) On appeal: *I never heard nothing*
- (f) In any post-conviction proceeding: *I never been arrested for this.*
- (g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection. *I do not know what my attorney did*

Therefore, petitioner asks that the Court grant the following relief: *retrial or dismiss the case*
*I am not guilty *** so many of the jury have wrote me and told me*

or any other relief to which petitioner may be entitled.

please point me a lawer

point me a lawer please

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 3-26-2008 (month, date, year).

Executed (signed) on 3-26-2008 (date).

H.C. Monay Jr

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

IN FORMA PAUPERIS DECLARATION

[insert appropriate court]

* * * * *



MONEY, B.C. SH #184159-C4-10A
P.O. Box 5107
Union Springs, PA 36089-5107

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
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(Legal mail)

**THIS CORRESPONDENCE
BEEN EVALUATED
OF CORRECTIONAL
SUBSTANCES
COMMUNICATIONS OR
COMPONENTS
OF THE ALABAMA DEPARTMENT
OF CORRECTIONS HAVE NOT
BEEN FORWARDED**